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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,139	01/05/2004	Michael Gauselmann	ATR-A-122-1P	3898

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EXAMINER	
BOND, CHRISTOPHER H	
ART UNIT	**PAPER NUMBER**
3714	

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12/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/752,139	GAUSELMANN, MICHAEL	
	Examiner	Art Unit	
	Christopher H. Bond	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/5/2004* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 17, 2007 has been entered. Claims 1, 11 and 12 have been amended. Claims 18-21 have been cancelled. Currently, claims 1-17 are pending in the current application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 11, 12, and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.The 'identity', as disclosed by the applicant in claims 1, 11, 12 and 17, is never mentioned in the specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 11, 12, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The applicant is claiming 'an identity' but there is no reference to the identity in the specification, and it is unclear to the Examiner what the applicant is trying to claim as the invention.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al., USPAT 6,517,433 (hereinafter Loose 433) in view of Loose et al., USPUB 2003/0157980 (hereinafter Loose 980).**

9. As to claims 1,3,4,6, and 10—Loose 433 discloses (abstract), "A spinning reel slot machine [comprised of] a plurality of...rotatable reels and a [separate] video display." Loose 433 further discloses (column 2, lines 22-51), "In response to a wager, the reels...are rotated and stopped to randomly place to randomly place[d] symbols on the reels...Payouts are awarded based on combinations and arrangements of the symbols appearing in the display area. The video display provides a video image occupying the display area...If the video image...is a direct image...the direct image is preferably generated by a flat panel transmissive video display...positioned in front of

the reels....The transmissive display...may be outfitted with a touch screen mounted to a front surface of the display...The touch screen contains soft touch keys denoted by the image on the underlying display...and used to operate the slot machine." Loose 433 further discloses (column 4, lines 41-42) that, "...the video image...may depict the bonus game and any bonuses resulting therefrom." Loose 433 further discloses (column 6, lines 7-9) that, "...the microcontroller...selectively access the video resources to be included in the video image...provided by the video display." This meets the applicant's limitations of having a gaming device comprising a main display (reels) with the main game granting awards, an electronic display other than the main display (video display), and a touch detection device over at least a portion of the electronic display. Further, this meets the applicant's limitations of having a gaming device further comprising a controller (microcontroller) to control the video display to display a bonus game, wherein the touch detection device (touch screen) allows the player to make selections for the game; having a main display comprised of a plurality of reels; and having the video display controlled to display both a bonus game and identify of the main game to the player.

10. While Loose 433 claims a transmissive display and discloses (column 2, lines 44-46) that, "The transmissive display...may, for example, be a transmissve liquid crystal display (LCD)...", Loose 433 fails to explicitly disclose that the video display is an organic light emitting diode (OLED). However, while an OLED differs from and LCD in a sense that the former is an emissive display device, while the later is a transmissive

display device, they are both fall into the same scope, as they are both thin-film, flat panel display devices—plasma display devices also falling into this category.

11. Loose 980 discloses (paragraph [0031]) that, "...the image display device...may be one of a variety of devices including a CRT display, liquid crystal display (LCD), dot matrix, vacuum fluorescence display, organic light emitting diode (OLED), LED array, etc."

12. Loose 980 is evidence that one of ordinary skill in the art would find reason/motivation/suggestion to use an OLED display device interchangeably with an LCD device.

13. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the gaming device described in Loose 433 with the OLED display of Loose 980, for the purpose of having a greater selection of display means.

1. As discussed above, it's unclear what the applicant is trying to claim with identity. However, it would have been a matter of choice, well within the capabilities of one skilled in the art to 'program' the display to display a different identity of the main game. In simple terms, a display displays programs, games, media, etc. Programming the display to display a game, and reprogramming the display to display a different game is nothing novel.

2. As to claims 2 and 7-9 --Loose 433 discloses the claimed invention except for the limitations of having the electronic display overlying a portion of an outer housing of the gaming device, wherein the OLED is either below, above, or along side of the main

display. It would have been an obvious matter of design choice to put the display device in these locations, since applicant has not disclosed that putting the electronic display device in these locations solves any stated problem or is for any particular purpose other than flexibility and to generate excitement. Furthermore, the placement of the electronic display in Loose 433 is in no way limited to placement in the 'main display area', but is one such embodiment of the Loose 433 invention.

14. As to claim 5, while Loose 433 does not explicitly disclose that the main display is an electronic display device, it is notoriously well known that electronic displays—especially electronic displays that simulate slot reels—are well established in the art as indicated by Loose 980 (paragraph [0003]) which states that, "Slot machines are generally available in two different types. First, a video-based slot machine depicts the symbol-bearing reels on a video display."

15. **Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose 433 in view of Loose 980, and further in view of Fennell, Jr. et al., USPAT 5,695,400 (hereinafter Fennell).**

16. As to claims 11 and 12, while Loose 433 in view of Loose 980 discloses that an OLED can be programmed to display the identity of a game to a player, both references fail to explicitly disclose that the OLED may be remotely programmable.

17. Fennel discloses (column 1, lines 39-45), "...a method of managing user inputs and displaying outputs in a multi-player game that is played on a plurality of terminals on a network...The method includes:...transmitting a representation of a game..." Fennell further discloses (column 3, lines 23-50), "The term "network" includes local

area networks, wide area networks, the Internet, cable television systems, telephone systems, wireless telecommunication systems, fiber optic networks, ATM networks, frame relay networks, satellite communications systems, and the like...Such networks are likewise well know in the art and consequently are not further described here...The game challenge may be...a question...an answer...a visually displayable puzzle...fragments of a quotation requiring players to answer with the complete quotation; or some other audio or visual stimulus. The game challenge may be transmitted in a conventional fashion by a suitably programmed host computer...of a kind well known in the art. The selection and programming of the host computer...and the establishment of a suitable telecommunications connection to the network...is a matter of routine for the skilled artisan."

18. Fennel teaches that different games can be transmitted from a host computer to a remote display via a network. Obviously, a different game would mean that different programming is displayed. Fennel states that the transmission of the game, and the programming of the computer to transmit the game are of routine skill in the art. Thus, transmitting different games would mean displaying different games on the remote displays (i.e. changing the identity of the main game to a player on the display)

19. One of ordinary skill in the art would have reason/motivation/suggestion to transmit different games to remote displays from a remote server, and thus display different main game identity to a player, as it has been noted that this of routine skill in the art.

20. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to transmit different games to remote display from a remote server, thus displaying a different main game identity to a player as remotely programmed, as it has been note that this is of routine skill in the art.

21. As to claims 13-17, these claims are merely disclose the methods of systems claimed and discussed above. As each step of the method is necessary for making the device, the method would have been obvious in view of the device.

Citation of Pertinent Prior Art

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Okada USPATs 7,281,980 and 7,220,181; Gomez et al., USPAT 7,297,058; and Nozaki et al., USPAT 7,169,048--as they all are gaming machines with flat-panel display systems similar to the applicant's invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Bond whose telephone number is (571) 272-9760. The examiner can normally be reached on M-F 9:30am - 6pm (Eastern Standard Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chris Bond

JOHN M. HOTALING, II
PRIMARY EXAMINER